

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHARLES ELLIS, *et al.*, :
Plaintiffs, : Case No. 2:24-cv-3124
vs. : Judge Michael H. Watson
MEIGS COUNTY, OHIO, *et al.*, : Mag. Judge Kimberly A. Jolson
Defendants. : **JURY DEMAND ENDORSED HEREIN**

**ANSWER OF DEFENDANTS MEIGS COUNTY, OHIO, DONALD SCOTT FITCH,
MARTY HUTTON, JR., JOSHUA GOLSBY, AND WILLIAM FRANK STEWART TO
PLAINTIFF'S SECOND AMENDED COMPLAINT (DOC. 16)**

Now come Defendants Meigs County, Ohio, Donald Scott Fitch, Marty Hutton, Jr., Joshua Golsby, and William Frank Stewart (hereinafter collectively “Defendants”), by and through counsel, and for their Answer to Plaintiffs’ Second Amended Complaint (Doc. # 16) state as follows:

1. Responding to Section “I. Introduction” of Plaintiffs’ Second Amended Complaint, Defendants deny that Plaintiffs and their family have been harassed or forced to live in fear. Further responding to said paragraph, Defendants state that on December 21, 2022, Deputies Hutton and Golsby responded to and personally received multiple eyewitnesses reports that Plaintiff Caleb Ellis had assaulted an elderly, disabled individual and were attempting to investigate those reports and speak with Plaintiff Caleb Ellis when an altercation occurred after Plaintiff Charles Ellis refused to allow the deputies to speak with Plaintiff Caleb Ellis. Defendants deny the remainder of Section “I. Introduction” of Plaintiffs’ Second Amended Complaint either expressly or for lack of information.

2. Responding to paragraphs 1, 2, 5, 10, 11, 12, 13, 46, 48, 52, 56, 60, 68, 70, and 74 of Plaintiffs' Second Amended Complaint, Defendants state that said paragraphs set for legal conclusions to which no responsive pleading is required. To the extent that said paragraphs are deemed to allege facts concerning Defendants, said paragraphs are denied.

3. Upon information and belief, Defendants admit paragraphs 3, 4, 14, 15, and 17 of Plaintiffs' Second Amended Complaint.

4. Responding to paragraphs 6 and 16 of Plaintiffs' Second Amended Complaint, Defendants admit that Scott Fitch was the Meigs County Sheriff at times relative to Plaintiffs' Second Amended Complaint. Defendants state that the remainder of said paragraphs sets for legal conclusions to which no responsive pleading is required.

5. Responding to paragraph 7 of Plaintiffs' Second Amended Complaint, Defendants admit that Marty Hutton was a Meigs County Sheriff's Deputy at times relative to Plaintiffs' Second Amended Complaint. Defendants state that the remainder of said paragraph sets for legal conclusions to which no responsive pleading is required.

6. Responding to paragraph 8 of Plaintiffs' Second Amended Complaint, Defendants admit that Joshua Golsby was a Meigs County Sheriff's Deputy at times relative to Plaintiffs' Second Amended Complaint. Defendants state that the remainder of said paragraph sets for legal conclusions to which no responsive pleading is required.

7. Responding to paragraph 9 of Plaintiffs' Second Amended Complaint, Defendants admit that Frank Stewart is a Captain with the Meigs County Sheriff's Office. Defendants deny the remaining allegations of said paragraph.

8. Responding to paragraphs 18 and 19 of Plaintiffs' Second Amended Complaint, Defendants state that on December 21, 2022, Deputies Hutton and Golsby responded to and personally received multiple eyewitnesses reports that Plaintiff Caleb Ellis had assaulted an

elderly, disabled individual. Deputies Hutton and Golsby were attempting to investigate those reports and speak with Plaintiff Caleb Ellis when an altercation occurred after Plaintiff Charles Ellis refused to allow the deputies to speak with Plaintiff Caleb Ellis. Deputies Hutton and Golsby were attempting to complete their investigation based upon probable cause that a crime had been committed by Caleb Ellis. Defendants deny the remainder of said paragraphs either expressly or for lack of knowledge.

9. Responding to paragraphs 20 and 21 of Plaintiffs' Second Amended Complaint, Defendants state that shortly after knocking on Plaintiffs' door, it was believed that Charles Ellis was overheard stating "Get my gun." Caleb Ellis was asked if Charles Ellis had said anything about a gun and Caleb Ellis responded "...He said where's my phone." Defendants deny the remainder of said paragraphs.

10. Responding to paragraphs 22, 23, 24, 25, 26, 27, 28, and 30 Defendants state that a brief conversation occurred at the doorway to the home in which Caleb Ellis acted belligerent, swore at the deputies, and refused to comply with requests. Caleb Ellis then asked to go get a shirt and was told "You stay right there," but he began to retreat into the trailer and out of the sight of the deputies. Before Caleb Ellis could retreat further into the trailer, the residence was entered and Caleb Ellis was led outside. Defendants deny the remainder of said paragraphs either expressly or for lack of knowledge.

11. Responding to paragraph 29 of Plaintiffs' Second Amended Complaint, Defendants state that a dog in the residence was tased after a female in the residence, who is believed to be Plaintiff Charles Ellis' wife, let the dog loose and it bit Deputy Golsby. Defendants deny the remainder of said paragraphs either expressly or for lack of knowledge.

12. Responding to paragraphs 31 and 32 of Plaintiffs' Second Amended Complaint, Defendants state that after Plaintiff Caleb Ellis was led outside of the trailer, Deputy Golsby attempted to close the door to the trailer and Plaintiff pushed the door back open which knocked Deputy Golsby off balance on the small landing to the stairs of the trailer. Deputy Golsby attempted to place Plaintiff under arrest and Plaintiff grabbed a hold of the door frame and dropped to the floor. Defendants deny the remainder of said paragraphs either expressly or for lack of knowledge.

13. Defendants deny paragraphs 33, 43 44, 45, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 69, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, and 83 of Plaintiffs' Second Amended Complaint.

14. Defendants admit paragraphs 34, 35, 36, and 42 of Plaintiffs' Second Amended Complaint.

15. Responding to paragraphs 37, 38, 39, 40 and 41, of Plaintiffs' Second Amended Complaint, Defendants are without sufficient information to form a belief as to the truth of the allegations asserted and, therefore, deny the same.

16. Defendants deny all allegations not specifically admitted herein to be true.

AFFIRMATIVE DEFENSES

17. Plaintiffs' summons is not sufficient.

18. Plaintiffs failed to properly perfect service upon all or some Defendants.

19. Defendants are entitled to immunity, including statutory, absolute, and qualified immunity, as well as immunity from punitive damages. This includes, but is not limited to the provisions of Ohio's Political Subdivision Tort Immunity Statute, Ohio Revised Code Chapter 2744 et. seq.

20. Plaintiffs failed to mitigate their damages in whole or in part.
21. Plaintiffs have failed to state a claim upon which relief may be granted.
22. Plaintiffs' own contributory and/or comparative negligence, assumption of the risks, misconduct, and/or failure to conduct due diligence may have caused or contributed to cause the injuries and damages of which they complain.
23. Defendants are entitled to setoff on all or some of Plaintiffs' claimed damages.
24. Defendants acted in good faith at all times based upon the exigent circumstances at the time.
25. Plaintiffs' claims are barred by the waiver, estoppel, and/or the unclean hands doctrine.
26. Plaintiffs' claims, in whole or in part, may be barred by the applicable statute of limitations.
27. Defendants hereby reserve the right to assert any additional avoidance or defense for which discovery reveals a basis.

WHEREFORE, Defendants asks the Court to deny all of Plaintiffs' claims and requests for relief, dismiss this action and tax all costs of this case to Plaintiffs.

Respectfully submitted,

/s/ Matthew S. Teetor

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*Attorneys for Defendants Meigs County,
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JURY DEMAND

A trial by jury comprised of the maximum number of jurors permitted by law is hereby demanded.

/s/ Matthew S. Teetor

Matthew S. Teetor

(0087009)

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2025, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Matthew S. Teetor

Matthew S. Teetor

(0087009)